

SUPERIOR COURT
OF THE
STATE OF DELAWARE

E. SCOTT BRADLEY
JUDGE

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August 14, 2019

William D. Fletcher, Jr., Esquire
Schmittinger & Rodriguez, P.A.
414 South State Street
P.O. Box 497
Dover, DE 19903-0497

Marc Moreau
Sherri Moreau
5923 Old Shawnee Road
Milford, DE 19963

Marc Moreau
d/b/a Wrenches Auto Repair
5923 Old Shawnee Road
Milford, DE 19963

FILED PROTHONOTARY
SUSSEX COUNTY
2019 AUG 14 A 10:14

Re: *Stuart Bozievich v. Marc Moreau, d/b/a Wrenches Auto Repair,
Marc Moreau, Individually, Sherri Moreau, Individually, and
Jonathan J. Plump*
Civil Action No. S16C-12-004 ESB

Dear Counsel and Mr. and Mrs. Moreau:

This is my decision on the amount of damages, if any, due Plaintiff Stuart Bozievich after his 1974 Corvette was damaged in a fire at the Defendants' garage. Bozievich took his 1974 Corvette to Defendants Marc Moreau, d/b/a Wrenches Auto

Repair, and Sherri Moreau, for repairs.¹ Bozievich's Corvette was damaged in a fire at the Moreaus' garage in December 2015. Bozievich obtained default judgments against both Moreaus. I held an inquisition hearing on June 17, 2019. Bozievich, Marc Moreau and Michael Gries testified at the inquisition hearing.

Bozievich testified (1) he bought the Corvette for \$17,137.44 in 2012 from Hobby Cars; (2) he spent \$8,272.74 in 2012 for repairs to the Corvette at Gallant's Automotive; (3) he spent \$761.04 in 2012 on tires for the Corvette at Mr. Tire Auto Centers; and (4) that the Corvette after the fire was only worth \$600.00. Bozievich submitted documents supporting his purchase of the Corvette and expenditures for repairs to it. Thus, Bozievich sought \$26,571.22 in damages, representing the purchase price and repairs made to the Corvette less its salvage value.

Marc Moreau, and Michael Gries, a person who worked at Moreaus' garage, testified at the inquisition hearing for the Defendants. Together they testified that when the Corvette came to the Moreaus' shop (1) the Corvette's motor had seized up and would not run; (2) the Corvette had to be towed to the shop and then pushed into it; (3) the Corvette had not been tagged in years; (4) the Corvette had not been run in years; (5) the Corvette had poor paint and was not in very good condition; and (6) the

¹I granted Defendant Jonathan J. Plump's Motion for Summary Judgment, leaving only the Moreaus as Defendants.

Corvette was an unremarkable corvette with over 90,000 miles on it. Marc Moreau testified that a running 1974 corvette similar to Bozievich's Corvette could be purchased on Ebay for \$7,000.00 in 2019.

In *Storey v. Castner*, the Delaware Supreme Court held that:

It has long been the rule in Delaware that the measure of damages in cases of this character is the value of the vehicle damaged immediately before and immediately after the accident. When it is not feasible to repair a damaged automobile, as is the case under the instant facts, the measure of damages is the value of the car just before the accident and its salvage value immediately after the accident. Estimates of such values must necessarily be produced directly from an expert witness.²

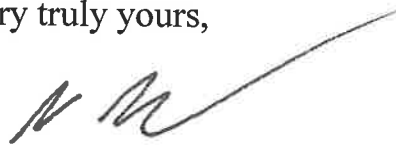
Bozievich is not an expert witness as to the value of his 1974 Corvette. Bozievich has also not offered testimony by an expert witness as to the value of his 1974 Corvette before and after the fire. Thus, Bozievich has failed to offer acceptable testimony as to the value of his 1974 Corvette. I considered treating Marc Moreau's testimony as an admission that Bozievich's 1974 Corvette was worth at least \$7,000.00 at the time of the fire. However, I ultimately decided not to do so because the \$7,000.00 figure was for a 1974 corvette that had a running motor. Bozievich's 1974 Corvette's motor was not running at the time of the fire and was in such bad shape that Marc Moreau had to remove the spark plugs and place oil directly into the

²314 A.2d 187, 191 (Del. 1973) (citations omitted).

cylinders in order to free-up the motor. Given that there was no dollar figure on the cost of fixing the Corvette's motor, I found Marc Moreau's \$7,000.00 figure not representative of the value of Bozievich's 1974 Corvette. Therefore, I have awarded Bozievich no damages.

IT IS SO ORDERED.

Very truly yours,

A handwritten signature in dark ink, appearing to be 'E. Scott Bradley', written in a cursive style.

E. Scott Bradley

ESB:tl

cc: Prothonotary's Office